

APPEAL NO. 040932
FILED JUNE 14, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on March 25, 2004. The hearing officer determined that the _____, compensable injury of respondent (claimant herein) extends to and includes the diagnosis of bilateral carpal tunnel syndrome (CTS). Appellant self-insured (carrier herein) appealed this determination on sufficiency grounds and also contended that the hearing officer misstated the stipulations in the decision and order. The file does not contain a response from claimant.

DECISION

We affirm.

Carrier contends that it did not stipulate at the hearing that claimant had bilateral CTS. The record reflects that the parties stipulated that, "On _____, Claimant sustained a compensable bilateral [CTS] injury." At the hearing, carrier also asked questions about the "bilateral" CTS, although it contended that the condition was mild and had resolved before the intervening injury of July 2002. Carrier also contended that claimant had not been diagnosed with CTS on the left before the July 2002 fall at home. Again, the parties stipulated that claimant had bilateral CTS. Also, in a September 2000 report, Dr. M said testing showed bilateral CTS.

To prove sole cause regarding a subsequent injury, the burden is on carrier to prove that claimant's subsequent injury is the sole contributing factor to claimant's current condition or disability. Texas Workers' Compensation Commission Appeal No. 033368, decided February 19, 2004. Carrier contended at the hearing that the July 2002 fall was the sole cause of the CTS of the right wrist after July 2002. We have reviewed the complained-of determinations and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determinations are supported by the record and are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

According to information provided by carrier, the true corporate name of the insurance carrier is **self-insured through THE TEXAS ASSOCIATION OF COUNTIES WORKERS' COMPENSATION SELF-INSURANCE FUND** and the name and address of its registered agent for service of process is

**EXECUTIVE DIRECTOR
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Robert W. Potts
Appeals Judge